

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

H. PATRICK BARCLAY,

Plaintiff,

-vs-

OFFICER POLAND, *et al.*,

Defendants.

MEMORANDUM and ORDER

03-CV-6585-CJS-MWP

Siragusa, J. This case was referred to U.S. Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1), on May 14, 2007. On October 6, 2010, Plaintiff moved (Doc. No. 69) to amend his complaint and for appointment of counsel. On September 16, 2011, Judge Payson filed a Report and Recommendation (Doc. No. 76) recommending granting Plaintiff's unopposed motion, in part. Pursuant to Federal Rule of Civil Procedure 72(b), Plaintiff had fourteen days from the date of service to file objections. None have been filed to date. The Court hereby adopts Judge Payson's Report and Recommendation in full.

IT IS SO ORDERED.

Dated: October 6, 2011
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
UNITED STATES DISTRICT JUDGE